

1 KEKER & VAN NEST LLP
STUART L. GASNER - # 164675
2 sgasner@kvn.com
SIMONA A. AGNOLUCCI - # 246943
3 sagnolucci@kvn.com
KATHERINE M. LOVETT - # 276256
4 klovett@kvn.com
633 Battery Street
5 San Francisco, CA 94111-1809
Telephone: 415 391 5400
6 Facsimile: 415 397 7188

7 Attorneys for Defendants WALTER LIEW and
8 USA PERFORMANCE TECHNOLOGY, INC.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 WALTER LIEW, USA PERFORMANCE
TECHNOLOGY, INC., and ROBERT
16 MAEGERLE,

17 Defendants.
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Case No. CR 11-0573-JSW (NC)

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER RE MODIFICATION TO
PROTECTIVE ORDER**

JOINT STIPULATION AND ~~PROPOSED~~ ORDER
RE MODIFICATION TO PROTECTIVE ORDER
Case No. CR 11-0573-JSW (NC)

1 Defendants Walter Liew, USA Performance Technology, Inc., and Robert Maegerle
 2 (collectively, “Defendants”) and the United States (collectively, “the parties”), by and through
 3 their undersigned counsel, stipulate and agree as follows:

4 1. On June 21, 2012, the Court entered a Protective Order governing the production
 5 of discovery in this matter. Dkt. 168.

6 2. Pursuant to Paragraph 2(a) of the Protective Order, the government has designated
 7 certain materials “Confidential-1 Materials,” which includes “materials belonging to or obtained
 8 from E.I. du Pont de Nemours and Company (DuPont) . . . that contain, are alleged to contain, or
 9 may contain trade secrets or confidential and proprietary business information.” *Id.*

10 3. On August 23, 2013, the Court modified paragraphs 6(c) and 7 of the Protective
 11 Order permitting disclosure of Confidential-1 Materials to third parties, witnesses, and experts.
 12 Dkt. 431.

13 4. The parties agree that Paragraph 8(b) of the Protective Order shall be replaced with
 14 the following sentences: “To the extent that Confidential-1 Materials must be downloaded to a
 15 computer for viewing, such computer shall not be connected to the Internet, to any computer
 16 network connected to the Internet, or to any computer network that would allow any person not
 17 authorized by this protective order to view Confidential Materials. However, defendants are
 18 permitted to use networked computers at the law offices of Kecker & Van Nest LLP for the
 19 printing, copying, and marking of Confidential-1 Materials that have been designated by the
 20 parties as potential trial exhibits. The parties may also provide the Court and jury at trial with
 21 electronic copies of the Confidential-1 Materials and the jury may review the electronic copies in
 22 the jury room on a computer not connected to the internet.”

23 5. The parties have consulted with counsel for DuPont concerning the terms of the
 24 Protective Order. Counsel for DuPont has indicated that DuPont has no objection to the
 25 modification specified in this stipulation.

26 6. Except as modified by this stipulation, all other terms and conditions of the
 27 Protective Order remain in effect.
 28

SO STIPULATED AND AGREED.

Dated: January 2, 2014

KEKER & VAN NEST LLP

By: /s/ Stuart L. Gasner

STUART L. GASNER
SIMONA A. AGNOLUCCI
KATHERINE M. LOVETT

Attorneys for Defendants WALTER LIEW and
USA PERFORMANCE TECHNOLOGY, INC.

Dated: January 2, 2014

By: /s/ Jerome J. Froelich, Jr.

JEROME J. FROELICH, JR.

Attorney for Defendant
ROBERT J. MAEGERLE

Dated: January 2, 2014

MELINDA HAAG
UNITED STATES ATTORNEY

By: /s/ Peter Axelrod

JOHN H. HEMANN
PETER B. AXELROD
Assistant United States Attorneys

~~PROPOSED~~ ORDER

Based on the parties' stipulation and for good cause shown, the Protective Order is modified as set forth in the above-referenced stipulation.

Dated: January 6, 2014

Honorable Nathanael M. Cousins
United States District Court
Northern District of California

